



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Daping CHU

Group Art Unit: 2811

Application No.: 09/866,781

Examiner: S. Hu

Filed: May 30, 2001

Docket No.: 109677

For: MEMORY DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAR 11 2004

Sir:

In reply to the February 17, 2004 Restriction Requirement, Applicant provisionally elects Group I, claims 1-6 and 11-14, with traverse.¹

It is respectfully submitted that the subject matter of all claims 1-16 is sufficiently related such that a thorough search for the subject matter of all claims could be made without serious burden. See MPEP §803. Thus, withdrawal of the Restriction Requirement is respectfully requested.

Further, in the event that the Restriction Requirement is maintained, Applicant submits that in accordance with MPEP §821.04, if product claims are elected and subsequently allowed, non-elected process claims that depend from or otherwise include all

¹ The Restriction Requirement requires restriction between two groups, namely claims 1-6 drawn to a memory device and claims 7-10 drawn to a method of making the memory device. However, the Restriction Requirement makes no mention of claims 11-16. In a telephone conversation with the Examiner on March 9, 2004, the Examiner refused to indicate which group includes claims 11-16. Because claims 11-14 depend from claims of Group I, Applicant asserts that claims 11-14 are in Group I.

of the limitations of allowed product claims are to be rejoined. Accordingly, Applicant respectfully requests that upon allowance of the elected claims, the non-elected claims 7-10, 15 and 16 be rejoined and similarly allowed.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Linda M. Saltiel

Registration No. 51,122

JAO:LMS/hs

Date: March 10, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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